

**MONTANA PUBLIC SERVICE COMMISSION  
UTILITY DIVISION  
AGENDA NO. 07-05-08**

Date Published: May 3, 2007  
For Work Week Commencing: May 7, 2007  
Commission Meeting: May 8, 2007, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

**9:00 a.m. Weekly Scheduling** (Commission Conference Room – No Web Audio Feed)

**9:30 a.m. Business** (Bollinger Room)

**Public Comments**

**Action Items** All items identified below are for action at the Commission business meeting.

**Work Sessions** All items identified below are for Commission discussion or action on the day designated.

1. D2004.1.6 - Triangle Communications Systems – Application for designation as eligible telecommunications carrier – Placeholder for further discussion, direction, action, if any is necessary, on draft final order. (05/08/07)

2. Court, DV-03-10080 – Whitehall Wind v. PSC and NWE – Judicial review of PSC order – Placeholder for any further discussion, direction, action, if necessary, on compliance latest Court order. (05/08/07)
3. D2003.7.86, D2004.6.96, and D2005.6.103 – NWE '03,'04,'05 QF Avoided Cost Dockets, Consolidated – Discussion, direction, action on Motions for Reconsideration and any other matters as necessary. Because of the nature of the issues, two work sessions, one that is routine and another on Thursday, May 10<sup>th</sup> is requested. The intent is to address the two main issues on separate days. (05/08/07)
4. **5/10/07, 9:00 a.m.** D2003.7.86, D2004.6.96, and D2005.6.103 – NWE '03, '04,'05 QF Avoided Cost Dockets, Consolidated – Discussion, direction, action on Motions for Reconsideration and any other matters as necessary. Because of the nature of the issues, two work sessions, one that is routine and another on Thursday, May 10<sup>th</sup> is requested. The intent is to address the two main issues on separate days. (05/10/07)

Weekly Scheduling – Will be held at  
9:00 a.m. on the day of the Commission Meeting

**Notice Items** All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

1. Qwest Corporation N2007.5.43 (Gary)

On May 1, 2007 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Laboratory Corporation of American Holdings (Laboratory Corporation). Qwest is filing the MSA with the Commission for approval pursuant to Section 2.18 (Large Business Customers With a Multi-State Presence) of its Exchange and Network

Service Tariff, and pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest's response to a request for bid from Laboratory Corporation. The services being purchased are business services and packages sold under the Qwest Line Volume Advantage program. These services are available from other competitive carriers in addition to Qwest.

2. Qwest N2004.9.146 (Phil)

On September 2, 2004 Qwest filed a Petition for Amendment of Administrative Rule 38.5.3339 by adding a new subsection 5(c) related to termination of customers that breached late payment agreements with Qwest. This rule amendment was resolved when the Commission adopted its revised Telecommunications Service Standards in December 2006. The docket should be closed.

3. Qwest D2004.12.200 (Phil)

On December 17, 2004 Qwest filed a Petition for Waiver of ARM 38.5.3339 (5) (b) pertaining to notice requirements a carrier is obligated to provide a customer when late payment arrangements have been negotiated and broken. The waiver issue was resolved when the Commission adopted its revised Telecommunications Service Standards in December 2006. The docket should be closed.

4. Qwest N99.10.230  
(Phil)

On April 27, 2007 Qwest requested to discontinue providing the monthly service quality reports to the Commission that have been filed in this docket. The monthly service quality reports in this docket had been requested by Commission staff in order to monitor Qwest's continuing compliance with the Commission's service standards subsequent to the expiration of the Qwest/PSC service quality settlement agreement in Lewis and Clark County Cause No. CDV 94-1877. Continued monitoring is unnecessary and the docket may be closed.

5. NorthWestern Energy N2007.4.42 (Eric D)

On April 25, 2007, NorthWestern Energy (NWE) filed a request for approval to implement four new Therm billing zones. The proposed Therm billing

zones are identified as Zones 25, 26, 27, and 28, and are currently included within the existing Therm billing Zone 13. Implementation of the new Therm billing zones is necessary as the gas flow characteristics on NWE's gas transmission system have the potential to change significantly during the winter heating season due to gas load increases in the Butte area. Implementation of the four new Therm Billing Zones will ensure customers continue to be billed equitably.

6. NorthWestern Energy D2007.4.35 (AI)

On April 18, 2007, NorthWestern Energy filed a request for an accounting order. The accounting order, if issued, would allow NorthWestern to defer costs incurred in funding Northern Tier Transmission Group and to seek recovery of those costs in a future rate case. NorthWestern would bear the burden of demonstrating that recovery of any deferred costs from Montana ratepayers is appropriate.

**Protective Orders – Notice Items** The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

**Protective Orders – Information Items** The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

1. Southern Montana Telephone Company N2007.4.40 (Jim Paine)

A term protective order was issued for Southern Montana Telephone Company on May 1, 2007, protecting from disclosure Annual Report Schedules 27 and 28 reflecting management, employee, and director compensation information.

**Information Items** All items identified below are for information only.

**New Filings Received in Past Week**

N2007.5.43 – Qwest Corporation and Laboratory Corporation of America Holdings- Qwest Line Volume Individual Case Basis Agreement.

D2007.5.44 – NorthWestern Energy – Annual application for approval of monthly gas cost tracker true-up, projected gas costs, and gas transportation balance.

N2007.5.45 – CenturyTel of Montana – Application for Protective Order.